

Message Text

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ACTION DLOS-07

INFO OCT-01 ARA-16 ISO-00 CG-00 CIAE-00 DODE-00 PM-07 H-03

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SS-20 USIA-15 FEA-02 AID-20 CEQ-02 COA-02 COME-00

EB-11 EPA-04 IO-14 NSF-04 SCI-06 ACDA-19 AEC-11 AGR-20

DOTE-00 FMC-04 INT-08 JUSE-00 OMB-01 CIEP-03 CEA-02

DRC-01 TRSE-00 /233 W

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FM AMEMBASSY QUITO

TO SECSTATE WASHDC 2380

INFO AMCONSUL GUAYAQUIL

UNCLAS SECTION 1 OF 2 QUITO 5930

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TAGS: PLOS, EC

SUBJECT: THE RESULTS OF CARACAS AS VIEWED BY ECUADOR

REF: QUITO 5857

1. LUIS VALENCIA RODRIGUEZ, CHIEF OF ECUADOR'S DELEGATION TO THE CARACAS LOS CONFERENCE, HAS SUMMEDUP THE RESULTS OF CARACAS -- AS VIEWED BY THE GOE -- IN A FORMAL FONOFF PRESS CONFERENCE. FLANKED BY SENIOR MEMBERS OF THE DELEGATION AND BY UNDERSECRETARY OF FOREIGN AFFAIRS VALDEZ, VALENCIA REPEATEDLY MADE THE POINT THAT ECUADOR'S LOS THESIS HAD BEEN "CONFIRMED" AND "VALIDATED", AND EXTOLLED THE ECUADOREAN ROLE AS LEADER AND DEFENDER OF THE RIGHTS OF THE DEVELOPING WORLD AGAINST THE PRETENSIONS OF THE "GREAT POWERS".

2. ACCORDING TO VALENCIA, THE RESULTS OF THE CONFERENCE "WERE NOT SPECTACULAR" IN THAT NO ARTICLES OF A DRAFT CONVENTION WERE APPROVED. HOWEVER, HE THOUGHT THE WORK
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ALREADY ACCOMPLISHED ANGURED WELL FOR NEXT YEAR'S GENEVA

MEETING SINCE CONFERENCE MEMBERS HAD ALL DEFINED THEIR POSITIONS WITH "CLARITY AND PRECISION", THUS PROVIDING A FIRM BASIS FOR NEXT YEAR'S NEGOTIATIONS.

3. "THE GENERAL TREND OF THE CONFERENCE", HE WENT ON, "ON WHICH THE NEW CONVENTION WILL BE BASED, IS RECOGNITION OF THE INCONTROVERTIBLE FORCE OF THE 200 MILE THESIS ... THIS IS THE THESIS WHICH WON OUT AT CARACAS ... TO BE SURE, (IT) APPEARS IN DIFFERENT FORMS DEPENDING ON THE VARYING INTERESTS OR CHARACTERISTICS OF EACH STATE OR GEOGRAPHIC REGION. FOR SOME, IT IS A TERRITORIAL SEA OF 200 MILES, WHILE ACCORDING TO OTHERS IT SHOULD BE AN EXCLUSIVE ECONOMIC ZONE..." HOWEVER, THE ECUADOREAN DELEGATION MAINTAINED A SOLE POSITION: THAT OF THE 200 MILE TERRITORIAL SEA, BASED ON INTERNAL LEGISLATION CURRENTLY IN EFFECT.

4. SOMEWHAT DEFENSIVELY, VALENCIA NOTED THAT ECUADOR'S WAS NOT AN ISOLATED POSITION, BEING SUPPORTED BY "IMPORTANT COUNTRIES OF LATIN AMERICA AND AFRICA", AMONG THEM BRAZIL, PERU, URUGUAY, SALVADOR, PANAMA, CONGO, TOGO, DAHOMEY, SOMALIA, GUINEA AND MADAGASCAR.

5. VALENCIA SUMMARIZED THE THESIS OF LIMITED SOVEREIGNTY FOR ECONOMIC PURPOSES AND NOTED THE ATTEMPTS TO CREATE AN EXHAUSTIVE LIST OF RIGHTS WHICH WOULD BE ENJOYED UNDER SUCH A REGIME. "BUT TO WHOM WOULD BELONG", HE ASKED RHETORICALLY, "WHAT HAVE BEEN CALLED RESIDUAL RIGHTS OR FACULTIES. IF NOT TO THE COASTAL STATE, THEY WOULD HAVE TO BELONG TO THE INTERNATIONAL COMMUNITY AND HERE IS A SERIOUS PROBLEM". OTHER COUNTRIES, AMONG THEM "SOME GREAT POWERS", VIEW THIS PREFERENTIAL ZONE AS PART OF THE HIGH SEAS, THUS DEPRIVING IT OF "ANY SUBSTANTIVE CONTENT".

6. IN CONTRAST TO "THE UNCERTAINTY OF THESE CONCEPTS", THE ECUADOREAN THESIS HAS THE "ENORMOUS ADVANTAGE" OF BEING "WIDELY KNOWN, CLEAR, PRECISE AND SIMPLE: FULL COASTAL-STATE SOVEREIGNTY OVER THE ADJACENT SEA UP TO 200 MILES, OVER THE OCEAN BOTTOM AND SUBSOIL OF THE UNCLASSIFIED

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TERRITORIAL SEA, AS WELL AS IN THE CORRESPONDING AIR-SPACE. THIS DOES NOT IMPLY ANY ATTEMPT AGAINST THE LEGITIMATE INTERESTS OF THE INTERNATIONAL COMMUNITY, ONCE FREEDOM OF COMMUNICATIONS, AERIAL AS WELL AS MARITIME, ALONG WITH THE LAYING OF SUBMARINE CABLES AND PIPELINES ARE COMPLETELY GUARANTEED IN FAVOR OF THE COMMUNITY". MOVEOVER, THE 200-MILE TERRITORIAL SEA CONCEPT" IS THE ONLY ONE WHICH EFFECTIVELY PROTECTS

THE RIGHTS AND INTERESTS OF DEVELOPING COASTAL STATES".
OF COURSE, VALENCIA WENT ON TO CLARIFY, ECUADOR DOES
NOT PROPOSE THAT ALL STATES HAVE A 200 MILE TERRITORIAL
LIMIT -- ONLY THOSE WHICH FEEL THEY REQUIRE IT.

7. VALENCIA NOTED THAT ECUADOR HAD SUCCESS FULLY PRO-
POSED THE FORMATION OF A "TERRITORIALIST" CAUCUS, AND
HAD BEEN CHOSEN TO COORDINATE ITS DISCUSSIONS IN
ADVANCE OF GENEVA. HE THEN SUMMARIZED SOME OF THE MAIN
POINTS OF CONTENTION AT THE CONFERENCE, AMONG THEM THE
ISSUE OF A 200-MILE VS. 12-MILE TERRITORIAL SEA; OF
FREE VS. INNOCENT PASSAGE IN STRAITS; AND OF CONTROL
OVER FISHERIES. REGARDING THE LATTER, ECUADOR, AS A
200-MILE TERRITORIALIST, CLAIMS JURISDICTION OVER ALL
SPECIES WITHIN THAT ZONE. THUS, THE COASTAL STATE
"HAS THE FACULTY OF EXPLOITING SUCH RESOURCES AND
DETERMINING THE CONDITIONS OF EXPLOITATION BY THIRD
PARTIES", TAKING INTO ACCOUNT RECOMMENDATIONS FOR
CONSERVATION BY INTERNATIONAL ORGANIZATIONS. "ACCORDING
TO THIS TENDENCY, THERE IS NO DIFFERENCE BETWEEN
SEDENTARY AND MIGRATORY SPECIES, SINCE ALL ARE SUBJECT
TO THE SOVEREIGNTY OF THE COASTAL STATE."

8. TO THIS, VALENCIA NEGATIVELY CONTRASTED "GREAT
POWER" INSISTENCE ON MAXIMU SUSTAINABLE CATCH AND
TRADITIONAL OR HISTORIC THIRD-PARTY RIGHTS. HE ALSO
DIRECTLY CRITICIZED THE "GREAT MARITIME POWERS" WHO
CALL FOR COMPLETE FREEDOM OF NAVIGATION, SCIENTIFIC
RESEARCH, FISHERIES AND RESOURCE EXPLOITATION ON THE
HIGHSEAS. INSTEAD, HE CALLED FOR A DISAPPEARANCE OF
THE "TRADITIONAL HIGHSEAS CONCEPT" AND ITS REPLACEMENT
WITH THAT OF AN "INTERNATIONAL SEA, SUBJECT TO
INTERNATIONAL REGULATION, SINCE ONLY IN SUCH FASHION
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CAN BE AVOIDED THE ABUSE OF THE GREAT POWERS, ACCUSTOMED
TO USING THE WATERS OF THE SO-CALLED HIGH SEAS FOR THEIR
EXCLUSIVE BENEFIT".

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FM AMEMBASSY QUITO

TO SECSTATE WASHDC 2381

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9. AMONG OTHER ISSUES, VALENCIA CITED THE CLAIM OF ARCHIPELAGIC STATES TO EXTREME BOUNDARY LIMITS, WHICH THEY WOULD DENY TO NON-INDEPENDENT ARCHIPELAGOS. HE DISMISSED THIS AS A "JURIDICAL MONSTROSITY". ON THE OTHER HAND, HE WELCOMED THE CONFERENCE'S RECEPTIVITY TO THE RIGHT OF LANDLOCKED ADJOINING COASTAL STATES. HE NOTED WITHOUT COMMENT PROPOSALS TO EXTEND TO LANDLOCKED STATES THE RIGHT TO EXPLOIT LIVING AND MINERAL MARINE RESOURCES.

10. REGARDING THE PROPOSED SEABEDS AUTHORITY, VALENCIA ATTACKED AS "WEAK" THE INTERNATIONAL LICENCING AUTHORITY FAVORED BY THE "GREAT POWERS", CLAIMING THAT "THE GREAT MULTINATIONAL CORPORATIONS CONTROLLED BY THOSE POWERS WOULD BE THE ONLY BENEFICIARIES OF THIS SYSTEM". INSTEAD, ECUADOR BACKED A STRONG AUTHORITY WITH POWER TO EXPLORE AND EXPLOIT ON ITS OWN ACCOUNT. REGARDING SCIENTIFIC RESEARCH, ECUADOR FAVORED COASTAL-STATE CONTROL, AS WELL AS THE RIGHT TO UNILATERALLY DETERMINE ANTI-POLLUTION UNCLASSIFIED

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MEASURES.

11. "WHY WERE NO BASIC AGREEMENTS REACHED? THE GREATEST OBSTACLE WAS THE INTRANSIGENCE OF THE GREAT POWERS WHO, DETERMINED TO MAINTAIN THEIR PRIVILEGES AND THE PRACTISE OF DESPOILING THE RICHES OF THE ADJACENT SEAS

OF OTHER STATES, REFUSE TO LET GO OF THESE PRIVILEGES AND GIVE BACK TO THE PEOPLES OF THE THIRD WORLD THE RIGHTS WHICH THEY HAVE SEIZED." ANOTHER OBSTACLE WAS THE DISUNITY OF THE DEVELOPING WORLD. "IT DOES NOT SURPRISE THAT THIS PHENOMENON WAS THE RESULT OF MANEUVERING BY THE GREAT POWERS WHO HAVE USED THEIR INFLUENCE AND THEIR WELL-KNOWN NEOCOLONIALIST POLICIES TO DIVIDE THE COUNTRIES OF THE THIRD WORLD, SOW DIVERSITY OF CONCEPTS, AND THUS REAP THE FRUITS OF DIVISION." DEVELOPING COUNTRIES MUST THEREFORE "COORDINATE THEIR ASPIRATIONS AND STAY CLOSELY UNITED", AS THE ONLY MEANS OF "MAKING THE GREAT POWERS REALIZE THAT THEIR POLICY OF EGOISM WORKS AGAINST REAL INTERNATIONAL COOPERATION AND DOES NOT FACILITATE THE CREATION OF A NEW LAW OF THE SEA".

12. VALENCIA CONCLUDED THAT THE "ONLY FORMULA" WHICH WOULD ADEQUATELY PROTECT THE RIGHTS OF THE DEVELOPING WORLD IS THE ECUADOREAN THESIS OF FULL SOVEREIGNTY OVER A 200-MILE TERRITORIAL SEA.
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